

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Takeshi Fukada Art Unit : 2826
Serial No. : 10/656,263 Examiner : Evan T. Pert
Filed : September 8, 2003
Title : SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE
SAME

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Office of Petitions

**RENEWED PETITION UNDER 37 CFR §1.181(A) TO WITHDRAW ABANDONMENT
BASED ON NON-RECEIPT OF NOTICE OF ALLOWANCE**

On June 17, 2008, the Petitioner filed a request under 37 CFR §§1.8(b) and 1.181 to have the Office withdraw the abandonment of this application, due to the Petitioners' failure to receive the Notice of Allowance dated January 3, 2008. The USPTO issued a decision on June 30, 2008 ("the Decision") which dismissed the Petitioner's initial request as not being persuasive.

In particular, the Decision states that Petitioner has not demonstrated that "Fish & Richardson, P.C., P.O. Box 1022, Minneapolis, Minnesota, 55440-1022" ("the Minneapolis address") was the correct address of record. While Petitioner was unaware of an obligation to demonstrate this fact, since it may clearly be determined from the USPTO's own records, Petitioner notes that the Minneapolis address became the correct address of record prior to issuance of the non-final office action on June 30, 2005, and has remained the correct address of record since that time.

The Petitioner also notes that the Minneapolis address is a correct and valid mailing address for Fish & Richardson, P.C. and is correctly associated with Customer No. 26171. Further, the Minneapolis address is currently in use and receiving U.S. Postal mail. Petitioner also notes that the non-final office actions of June 30 and December 15, 2005, and June 2 and December 18, 2006, and the restriction/election requirement of August 27, 2007, were all sent to the Minneapolis address and received by Petitioner, as were the Decision and the Notice of

Abandonment dated July 10, 2008. It was only the Notice of Allowance, which was also sent to the Minneapolis address, which was not received.

Both the petition and this renewed petition include the address of the undersigned: "Fish & Richardson P.C., 1425 K Street, N.W., 11th Floor, Washington, DC 20005-3500 ("the Washington address") at the bottom of the document. Petitioner notes that the Washington address is not the address of record for this application, and that Petitioner has not asserted that it is.

The Decision states that the Petitioner must demonstrate, by clear statement of this fact, that the Notice of Allowance was not received at the Minneapolis address. As explained in the statements from the original petition, which are repeated below, **the Notice of Allowance was not received at the Minneapolis address ("Fish & Richardson, P.C., P.O. Box 1022, Minneapolis, Minnesota 55440-1022"), which was and remains the correct address of record for this application.**

The undersigned, petitioner's attorney of record, first became aware of the abandonment on May 27, 2008. On that day, during a routine review of the PAIR system to determine the status of the application, it was determined that a Notice of Allowance had been issued on January 3, 2008. The PAIR system also indicated that the Notice of Allowance was returned undelivered on January 9, 2008 (see the printout from PAIR that was included with the original petition).

Applicant submits that the Notice of Allowance was not received by the practitioner at the Minneapolis address or elsewhere. A search of the file jacket and docket records did not turn up the notice or evidence of its receipt. A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed was attached to the original petition.

Therefore, applicant requests that the abandonment be withdrawn and that a new Notice of Allowance be issued.

Applicant : Takeshi Fukada
Serial No. : 10/656,263
Filed : September 8, 2003
Page : 3 of 3

Attorney's Docket No.: 07977-256002 / US3870D1

No fee is believed to be due. However, please apply any charges or credits to Deposit
Account No. 06 1050.

Respectfully submitted,

Date: 7/16/08



John F. Hayden
Reg. No. 37640

Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

40503717.doc